

REMARKS

This is in response to the Final Office Action mailed on October 14, 2009. All objections and rejections are respectfully traversed. Claims 1-24 are presently pending. Claims 1, 14, 23 and 24 are currently amended for clarification and to place the application in better form for appeal. Applicant respectfully submits that the current amendments should be entered under 37 C.F.R. §1.116 (b)(2). Applicant respectfully submits that no new matter is added by the current amendments and support for the amended claims can be found throughout the specification, for example in paragraphs [0013] and [0014].

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-7, 11-16 and 20-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,251,607 to Veschi (hereinafter "Veschi") in view of U.S. Patent No. 6,539,392 to Rebane (hereinafter "Rebane"). This rejection is respectfully traversed. Claim 1 as Previously presented recites:

1. A method of managing consumer complaints comprising:
receiving a complaint from a consumer in an electronic format regarding a merchant;
forwarding the complaint to the merchant for a merchant's response;
displaying the complaint and a merchant's response on an Internet site;
receiving from third parties a plurality of ratings indicating said third parties' opinions of righteousness of said complaint in an electronic format; and
displaying an averaged numerical representation of the ratings.

Veschi describes a dispute resolution method wherein qualified parties ("resolvers" or "squires") mediate or vote to resolve disputes remotely. A broader audience ("gallery") may post comments or vote for entertainment value or voyeuristic snooping. See col. 3, lines 4 – 46, col. 4, lines 39 – 47.

Applicant respectfully maintains that Examiner erroneously asserted that Veschi discloses "displaying the user's opinions of righteousness on an Internet site as an averaged numerical representation (see at least FIG 8, 875, 880, 895 and 897 and column 13, lines 29 –

35). Office Action, page 5, lines 1 – 3. Applicant respectfully submits that, contrary to the Examiner's characterization, neither Veschi nor Rebane discloses or suggests the claimed ratings indicating third parties' opinions of righteousness of said consumer and/or said merchant. Nothing in either Veschi or Rebane teaches anything about expressing an opinion of righteousness of a consumer and/or a merchant with regard to a complaint. To more clearly distinguish a rating of righteousness of a consumer or merchant in the context of a complaint as claimed, from generic ratings of merchant performance, such as those discussed in Rebane (col. 10, lines 31-44), claim 1 is amended to replace the term "righteousness of said consumer and/or said merchant" with "righteousness of said complaint." Similar amendments are currently made to independent claims 14, 23 and 24.

Applicant submits that the current amendments do not change the scope of the claims because opinions of righteousness of the consumer or merchant with regard to the complaint are not distinct from opinions of righteousness of the complaint. Applicant respectfully requests that the current amendments be entered under 37 C.F.R. §1.116(b)(2) because they simply remove issues for appeal, e.g., whether claims read on merchant ratings generally.

Applicant respectfully submits that nothing in Rebane teaches or suggests rating or ranking righteousness at all, let alone rating or ranking righteousness of a complaint. Nothing in Veschi teaches or suggests rating anything, let alone rating or ranking righteousness of a complaint. No combination of Veschi and Rebane alone or taken together teaches or suggests "receiving from third parties a plurality of ratings indicating said third parties' opinions of righteousness of said complaint..." or "displaying an averaged numerical representation of the ratings" as claimed.

In the Examiner's response to Applicant's arguments, the Examiner asserted "Applicant claims broadly recite 'receiving from third parties ratings', and therefore reads on Veschi's disclosure." Office Action, page 3, lines 8 – 9. Applicant submits, that contrary to the Examiner's assertion, even the broadest reading of the term "ratings" does not read on anything in Veschi's disclosure because Veschi is directed specifically and exclusively to a system involving votes, not ratings. More particularly, Applicant's claimed "ratings indicating said third parties' opinions of righteousness of a complaint" do not read on Veschi's disclosure of votes in the context of dispute resolution.

The Examiner's response to Applicant's arguments, further asserted that "the features upon which applicant relies (i.e., invention provides a rating system which is simpler and more efficient than voting system and eliminates the need for any qualified parties or "resolvers") are not recited in the rejected claim(s)" Office Action, page 3, lines 9 - 12. Applicant respectfully submits that, contrary to the Examiner's characterization of the claims, each of the claims are directed to either a system or a method including term "rating" which could be properly characterized as a rating system or rating method respectively. The facts that such a rating system and method is more efficient than a voting system and eliminates the need for any qualified parties or "resolvers" are benefits of the claimed invention, not proper claim limitations.

Applicant respectfully submits that voting for one party over another by one or more voters, as disclosed in Veschi is very distinct from rating the righteousness of a complaint. Ratings can provide benefits that votes do not, such as by providing more granular data, for example. The more granular data may influence merchant behavior or may influence dispute settlements and compromises differently than mere up or down votes could influence them.

Other benefits that are provided by Applicant's claimed method are described in the specification, for example in paragraph [0014] which recites:

Accordingly, future Internet users can review whether, for example, a particular merchant has had a lot of complaints and if those complaints are deemed righteous by other Internet users that provided opinions, thus providing a quick and easy-to-understand assessment, in averaged numerical representation form, of the merchant's customer services policies and customer contentment. For example, if a merchant has a lot of consumer complaints, and the consumer complaints are rated highly with the averaged numerical representation, then a prospective consumer may decide that such merchant obviously has a customer relations issue and decide not to do business with that merchant. Alternately, if a merchant has only a few consumer complaints and the consumer complaints are rated lowly, whereas the merchant's righteousness is rated highly, via the averaged numerical representation, then the prospective consumer may decide that such complaints are irrelevant and does not represent a customer relations problem with the merchant. Accordingly, the present application provides an unbiased, independent forum that benefits both consumers and merchants in that consumers can proactively evaluate the customer service policies of a merchant, and merchants may be vindicated by other content consumers who do not believe the complaining consumer's complaint to be credible or a representative of the merchant's policies.

Applicant respectfully submits that no combination of Veschi and/or Rebane provide these benefits which are provided by the claimed invention. Neither Veschi nor Rebane suggests any such benefits or motivation to develop a complaint righteousness rating. Vote counts of gallery members, or even votes by resolvers, as described by Veschi do not provide a numerical representation of user's opinions of righteousness. Nothing in Veschi alone or combined with any of the other cited references teaches or suggests anything about an average numerical representation of user's opinions of righteousness of a complaint as claimed. There is no motivation in the cited references and Applicant submits that heretofore, nobody has deemed it necessary or beneficial to apply numerical techniques, such as those described in Rebane, for example, to evaluating the righteousness of consumer complaints.

Applicant respectfully submits that Veschi's voting system teaches away from the present invention by having qualified parties vote to resolve disputes. In contrast, Applicant's claimed invention provides a rating system which is simpler and more efficient than Veschi's voting system and eliminates the need for any qualified parties or "resolvers."

Since no combination of Veschi and/or Rebane teaches or suggests each and every element of the claims, and because there is no motivation to combine Veschi and Rebane, Applicant respectfully submits that the rejections of claims 1-7, 11, 14-16 and 22-24 under 35 U.S.C. § 103 are improper and should be withdrawn. Reconsideration is respectfully requested.

The Examiner rejected claims 8-10 and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Veschi in view of Rebane and further in view of U.S. Patent No. 7,363,361 to Tewari et al. (hereinafter "Tewari"). This rejection is respectfully traversed. Tewari discloses a secure content delivery system including using a user's IP address and/or URL to authenticate the user. Col. 1, lines 15 - 20. Applicant respectfully submits that Tewari relates to the unrelated field of secure content delivery in a computer environment, and does not cure the deficiencies of Veschi and/or Rebane by teaching or suggesting "receiving from third parties a plurality of ratings indicating said third parties' opinions of righteousness of said complaint..." or "displaying an averaged numerical representation of the ratings" as claimed.

Since no combination of Veschi, Rebane and/or Tewari teaches or suggests each and every element of the claims, Applicant respectfully submits that the rejections of claims 12-13

and 20-21 under 35 U.S.C. § 103 are improper and should be withdrawn. Reconsideration is respectfully requested.

CONCLUSION


For at least the reasons set forth above, reconsideration and allowance of this application are believed to be in order, and such action is hereby solicited. If any points remain an issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,

Date:

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